

J. Stephen Gehring, Private Citizen
Bobby Jones, Private Citizen
Lois Jones, Private Citizen
C/O: 8157 W. Deadeye Rd.
Payson, Arizona [PZ 85541]
(928) 474-9859
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In Propria Persona

ORIGINAL



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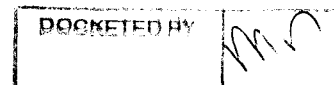
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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR - 9 2012



COMMISSIONERS

Gary Pierce, Chairman
Paul Newman, Commissioner
Brenda Burns, Commissioner
Bob Stump, Commissioner
Sandra D. Kenndy, Commissioner

Before the Arizona Corporation Commission

J. Stephen Gehring, Bobby Jones, Lois
Jones Private Citizens, Injured Parties,
Complainants,
vs.

PAYSON WATER CO. INC./BROOKE
UTILITIES INC.
Respondents.

DOCKET NO. W-03514A-12-0008

**OBJECTION TO RESPONDENTS
REPLY TO COMPLAINANTS'
RESPONSE TO RESPONDENTS'
MOTION TO STRIKE
NON-EVIDENTIARY PARTY
AND MOTION TO DENY**

NOW COMES, the Complainants J. Stephen Gehring, Bobby Jones and Lois Jones, to object to Respondents Reply to Complainant' Response to Respondents' Motion to Strike Non-Evidentiary Party and Motion to Deny.

1. On or about March 19, 2012 Respondent filed his/their "Motion to Strike Complainants' **Referral to Evidentiary Party**" (i. e. Martin's Trucking Service) attempting to **strike** any reference to Martin's Trucking Service or any material evidence that can be obtained from him/them concerning the issues before the Commission.
2. On or about March 26, 2012 Complainants' filed their "Response and Objection to Respondents Motion to Strike Complainants' **Referral to Evidentiary Party** and Motion to Deny.
3. On or about March 29, 2012 Respondent filed his/their "Reply to Complainants' Response to Strike **NON-EVIDENTIARY** Party and Motion to Deny." **There is a striking difference in meaning "Evidentiary Party" vs. "Non-Evidentiary Party."**

Concerning Respondent's insistence on improperly captioning pleadings in the above properly captioned proceedings; there has been no decision by the Commission to alter the form of the Complaint to suit Respondent Hardcastle. Any claim to the contrary by Hardcastle is in and of itself futile and as he knows, without merit.

Respondent's argument concerning an alleged misplacement of A.R.C.P. Rules 17 and 19(a) in Complainants' Response (**See: Item 2 above**) never occurred in that response, and is of no concern or issue when it comes to the issuance of a Subpoena to Martin Zabala and Martin's Trucking Service and the relevant and material information in his/their hands related to the Water Augmentation Period of 2011 and has nothing to do with Respondent's attempt to have Martin Zabala and Martin's Trucking Service designated a Non-Evidentiary Party.

R14-3-101. Scope and construction of rules, special order

A. Procedure governed. Except as may be otherwise directed by the Commission, and when not in conflict with law or the regulations or orders of this Commission, these Rules of Practice and Procedure shall govern in all cases before the Corporation Commission including but not limited to those arising out of Article XV of the Arizona Constitution, or Titles 10, 40, or 44 of the Arizona Revised Statutes. In all cases in which procedure is set forth neither by law, nor by these rules, nor by regulations or orders of the Commission, the Rules of Civil Procedure for the Superior Court of Arizona as established by the Supreme Court of the state of Arizona shall govern. Notwithstanding any of the above, neither these rules nor the Rules of Civil Procedure shall apply to any investigation by the Commission, any of its divisions or its staff.

Respondents incorrectly state that Complainants' admit the Payson Water Co. Inc. (PWC) has no contractual relationship with Martin's Trucking Service (MTS) to reiterate; In Section B, Items 23 of the Complaint it is correctly stated that there exists a contractual relationship between BUI/PWC and Pearson Water Co. (i.e. Pearson Transport) whom subcontracts with Martin's Trucking Service (not a Company) to haul water for BUI/PWC to the Mesa del Caballo System. Complainants never admitted BUI/PWC has not a contractual relationship with MTS. It should further be noted that the interview of Martin Zabala was conducted on 8/6/2011 and not as originally stated. This resulted from reviewing the wrong set of notes. The correct materials are attached in Exhibit A and clearly show the business card Complainant obtained from Martin Zabala, on the back of which and a scarp of paper, Gehring made notes. Further, Gehring took photos (and video clip) of Martin's "Rig" at the BUI/PWC "Tank Farm" on Barranca Rd. and Maldito Rd. Lot 423 (Tract E) as did Alan Smith on 8/4/11 to 8/5/11 (**See: Exhibit A Attached**) NOTE: Additional Photos available by other witnesses.

Furthermore, Complainants did not fail on two separate occasions to produce documents of the interview notes or any other proof of the relationship between BUI/PWC and Martin's Trucking Service or Pearson Water (Co.)/Pearson Transport. Respondents have never requested said same in discovery and disclosure and they failed and refused to produce documentation requested in Subpoenas as has Martin Zabala and MTS and NOW Pearson Water (Co.)/Pearson Transport who has avoided service of process since March 29, 2012 possibly at Hardcastle's instructions since everyone else in Williams seems to know what is going on.

The Burden of Proof is on the Complainants that is true. Well, Hardcastle, fest your beady little eyes on the "tangible evidence" in Exhibit A, shut your mouth and produce the documentation demanded in the Subpoena or plan on possibly being held in contempt of the Commission.

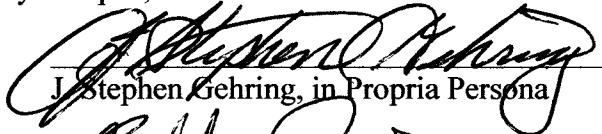
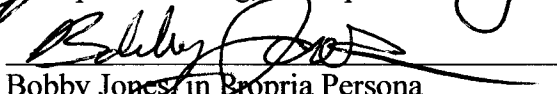
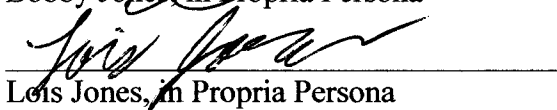
Complainants further, object to the barrage of fruitless pleadings heaped upon the Complainants just because Hardcastle can to overburden the Complainants with his bovine defecation.

The hammer swings both ways. What goes around comes around. For Hardcastle, BUI or PWC to absolutely lie and claim he/they have not any contract nor direct business relationship with MTS or Pearson Water (Co.)/Pearson Transport is one of the biggest deceptions and blatant misrepresentation yet by Hardcastle and is consistent with his sociopathic tendencies.

Hardcastle and BUI regularly enter into contracts with other entities and private persons for and on behalf of PWC. What is their actual contractual relationship with Pearson Water Co./Pearson Transport and Martin's Trucking Service, because, one obviously exists. Why else would Martin's Trucking Service be hauling water to the MDC and EVP Systems?

Wherefore, Complainants respectfully request of the Commission and its Administrative Law Judge to Deny the Respondents Motion to Strike Complainants' Referral to Evidentiary Party as it would be a miscarriage of justice to allow the Respondents to get away with his gross misrepresentations of material fact and benefit from deceptive practices. If Respondents are successful in their fraud upon the Commission they may possibly deny the Complainants access to additional, vital and necessary discovery and disclosure to be submitted into evidence in any future proceedings.

Respectfully submitted this 6th day of April, 2012


J. Stephen Gehring, in Propria Persona

Bobby Jones, in Propria Persona

Lois Jones, in Propria Persona

CERTIFICATE OF SERVICE

The Original and 13 copies of the foregoing Motion have been mailed this 6th day April, 2012 to the following:

DOCKET CONTROL
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Copies of the foregoing Motion have been mailed this 6th day April, 2012 to the following:

Bobby and Lois Jones
7325 N. Caballero Rd.
Payson, Az. 85541

Robert T. Hardcastle
P. O. Box 82218
Bakersfield, Ca. 93380

By: 



MARTIN'S WILLIAMS AZ USDOT 1431430 #33 (1)



(2)

PHOTOS TAKEN A SMITH ON 8/4-8/5 2011



③



NOTE: WATER DRIVING FROM TANKER OR ROAD - A TANKER
THAT IS SUPPOSE TO BE EMPTY - DIST AT THIS POINT
APPROXIMATELY 1/8 TO 1/4 MILE & STILL DRAINING

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PHOTOS TANKER BY A. SMITH ON 8/4-8/5/11



Photo Taken By J.S. Gearing on 8/6/11



800 28-814-9097
6000 TANKER
\$125/hr
1.5/hr Round trip
1-928
231-2035
DAVE ALLRED

Jim Pearson Water
853-4755-928
Williams